

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

FRANKLIN ARMIJO,

Plaintiff,

V.

NO. 14-cv-610 RB/WPL

VALERIE PACHECO,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Defendant moved to file a surreply to Plaintiff's motion for summary judgment. (Doc. 64). Plaintiff opposed the motion. (Doc. 67.) Having reviewed the parties' submissions and arguments, the Court **DENIES** the motion.

Filing a surreply requires leave of Court. D.N.M. LR-Civ. 7.4(b). Surreplies are appropriate "when a moving party advances in a reply new reasons and evidence in support of its motion for summary judgment." *Beird v. Seagate Tech., Inc.*, 145 F.3d 1159, 1164 (10th Cir. 1998). Although Defendant claims that Plaintiff stated new arguments in his Reply brief (Doc. 64), the Court disagrees. Plaintiff simply cited to new legal authority in support of previously-asserted arguments. These circumstances do not support Defendant's request to file a surreply. Additionally, the Court finds the line of argument—from both Plaintiff and Defendant—irrelevant to its decision. For these reasons, the Court denies Defendant leave.

**THEREFORE, IT IS ORDERED** that Defendant's Motion for Leave to File Surreply (Doc. 64) is **DENIED**.



**ROBERT C. BRACK**  
UNITED STATES DISTRICT JUDGE